

2026.PHHC.062081



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-54427-2025 (O&M).

Date of Decision: 23.04.2026.

Sunil Kumar

....Petitioner.

VERSUS

State of U.T., Chandigarh

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gautam Dutt, Senior Advocate with
Mr. Saurabh Sharma, Advocate
Mr. Rehan Gupta, Advocate and
Mr. Yajur, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh and
Ms. Sarasmi Budhiraja, Advocate
for the respondent-U.T., Chandigarh.

Mr. Arjun Dosanj, Advocate (Through V.C.)
for the complainant.

SANJAY VASHISTH, J. (Oral)

Petitioner-Sunil Kumar, aged 34 years, has filed this petition under Section 483 of BNSS, 2023, seeking regular bail in case FIR No.192 dated 28.11.2024 under Sections 406, 420 IPC and Sections 467, 468, 471, 120B IPC added later on, registered at Police Station South Sector 34, Chandigarh.

2. Total disputed amount is Rs.65,20,000/-. Hearing learned counsel for the petitioner, following was recorded by this Court on 12.02.2026:-

“1. It is an admitted position during the pendency of the present petition that the embezzled amount involved in the case is Rs. 65,20,000/-, which

was paid by the complainant/victim(s) to a company engaged in arranging visas and run by co-accused Prince Kumar Sharma. In turn, co-accused Prince Kumar Sharma allegedly passed on an amount of Rs. 45 lakhs to the petitioner, Sunil Kumar, to facilitate the arrangement of a work visa for the complainant. Subsequently, on 18.03.2024, a compromise deed was executed between the two accused, namely Prince Kumar Sharma and the petitioner, Sunil Kumar, with respect to a total amount of Rs. 42 lakhs.

2. *Another admitted position is that, by way of four demand drafts dated 15.09.2025, an amount of Rs. 30 lakhs was paid to the complainant by Prince Kumar Sharma, pursuant to which he was granted bail by this Court vide order dated 17.09.2025 passed in CRM-M-34584- 2025.*

3. *Learned Senior Counsel for the petitioner primarily contends that the sum of Rs. 30 lakhs has already been returned to the complainant, part of which, in fact, was paid by the petitioner to coaccused Prince Kumar Sharma in pursuance of the compromise dated 18.03.2024.*

4. *On the other hand, learned counsel for respondent–U.T. submits that the petitioner’s contention regarding payment of Rs. 42 lakhs to co-accused Prince Kumar Sharma is incorrect. It is submitted that only Rs. 17 lakhs was paid by the petitioner to Prince Kumar Sharma and an amount of Rs. 3 lakhs was paid to the complainant.*

5. *At this stage, Mr. Gautam Dutt, learned Senior Advocate for the petitioner, controverting the submissions made on behalf of respondent–U.T., once again refers to the compromise dated 18.03.2024 and submits that an amount of Rs. 27 lakhs was agreed to be paid to co-accused Prince Kumar Sharma at the very first instance upon execution of the compromise by the petitioner.*

6. *Be that as it may, in the proceedings of the present regular bail petition, the petitioner, who has already been in custody for the last eight months, cannot be kept in detention for an indefinite period under the garb of effecting recovery of the alleged amount.*

7. *However, considering the overall circumstances, it appears to be essentially a monetary dispute, part of which still remains unresolved. With a view to explore the possibility of an amicable resolution, the petitioner is ordered to be released on interim bail till the next date of hearing i.e. 11.05.2026 , subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Area Magistrate/Duty Magistrate/Chief Judicial Magistrate concerned.*

8. *List on 11.05.2026.*

9. *However, it will be open to the petitioner–Sunil Kumar, coaccused*

Vikas Kumar, and the complainant–Suneel Parmar to sit together and explore the possibility of resolving the dispute amicably.”

3. In compliance thereof, petitioner was released on **interim bail**. Continuing the submissions, learned senior counsel for the petitioner argues that the co-accused Prince Kumar Sharma @ Prince Sharma, to whom substantial amount of Rs.45 Lakh had been paid by the petitioner, has already been released on bail after paying Rs.30 Lakhs to the complainant. Counsel produces the copy of order dated 17.09.2025 passed by this Court in CRM-M-34584-2025 and the same is taken on record.

4. Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh, on instructions from ASI Jasbir Singh, submits that as per the investigation of the police, total amount, which has been transferred by the petitioner in the bank account of co-accused Prince Kumar Sharma @ Prince Sharma, is found to be Rs.17 Lakhs and Rs.3 Lakhs have been transferred to the complainant.

5. That being the situation, it emerges that co-accused Prince Kumar Sharma @ Prince Sharma has paid an amount of Rs.30 Lakhs to complainant and Rs.17 Lakhs of which was transferred by petitioner to him. Therefore, payment of complete amount in dispute cannot be considered as recovery process through the instant petition or even by registration of criminal case against the accused. However, actually there was any motive of cheating or committing forgery with the complainant/victim(s) or not, would be an issue before the trial Court, which eventually would be adjudicated after adducing of complete and specific evidence before it. As of now, for the purpose of bail, petitioner cannot be put behind bars again until the payment of amount.

6. Considering the above said circumstances in totality, this Court is

of the considered opinion that the petitioner deserves the concession of regular bail. Accordingly, order dated 12.02.2026 granting **interim bail** to the petitioner is made absolute. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

Consequently, the present petition is **allowed**. Petitioner is ordered to be released on regular bail, subject to his furnishing bail/ surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. **Petition stands disposed of accordingly.**

Pending application(s), if any, also stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

23.04.2026

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No